



February 12, 2008

ENGROSSED SENATE BILL No. 241

DIGEST OF SB 241 (Updated February 7, 2008 9:52 am - DI 103)

Citations Affected: IC 6-6; IC 10-14; IC 10-15; IC 22-14; noncode.

Synopsis: Department of homeland security. Provides that revenue in the emergency planning and right to know fund may be used to maintain, repair, and calibrate equipment purchased for a hazardous materials response team. Specifies the purposes for which money in the state disaster relief fund may be spent. Deletes existing law providing that interest accruing from investments in the state disaster relief fund is deposited into that fund. Provides that money in the regional public safety training fund that remains unencumbered at the end of a state fiscal year shall be transferred to the fire training infrastructure fund. (Current law provides that money in the regional public safety training fund that is not appropriated to the fund is transferred to the fire training infrastructure fund.) Permits the department of homeland security to adopt emergency rules to implement changes to the state disaster relief fund. Provides that an amusement and entertainment permit issued by the division of fire and building safety to a school expires one year after the date the permit is issued, rather than on December 31 of the year in which the permit is issued. Makes technical corrections.

Effective: Upon passage; July 1, 2008.

Arnold, Wyss

(HOUSE SPONSORS — TINCHER, DERMODY)

January 8, 2008, read first time and referred to Committee on Appropriations.

January 17, 2008, amended, reported favorably — Do Pass.

January 22, 2008, read second time, ordered engrossed.

January 23, 2008, engrossed.

January 29, 2008, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 4, 2008, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 11, 2008, amended, reported — Do Pass.

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February 12, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 241

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-10-7, AS AMENDED BY P.L.1-2006,
2 SECTION 146, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Before July 1 of each
4 year, the department of state revenue shall distribute the money in the
5 emergency planning and right to know fund as follows:

6 (1) Ten percent (10%) allocated to the emergency response
7 commission and administered by the department of homeland
8 security to be used to enhance communication among local
9 emergency planning committees and between local emergency
10 planning committees and the emergency response commission in
11 order to strengthen joint hazardous material incident response
12 capabilities. Money received as an allocation under this
13 subdivision does not revert to the state general fund at the end of
14 a state fiscal year.

15 (2) The distribution to the hazardous substance response fund
16 established by IC 13-25-4-1 that is authorized for the year by the
17 general assembly.

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(3) A distribution of the remaining money as follows:

(A) To each county, two thousand five hundred dollars (\$2,500).

(B) To each county, an additional distribution in an amount determined in STEP TWO of the following formula:

STEP ONE: Divide the amount available for distribution by the number of annual returns filed under section 6(b) of this chapter in the calendar year preceding the distribution.

STEP TWO: Multiply the quotient determined in STEP ONE by the number of facilities located in each county.

The department of state revenue may make a distribution to a county under this subdivision only after receiving notice from the emergency response commission that the local emergency planning committee for the county has met the requirements of IC 13-25-1-6(b).

(b) The revenue distributed to the county under this section shall be deposited in a separate fund established by the county for the purpose of:

(1) preparing and updating a comprehensive emergency response plan required under 42 U.S.C. 11003 for the county or emergency planning district;

(2) establishing and implementing procedures for receiving and processing requests from the public for information about hazardous chemicals under Title III of SARA (42 U.S.C. 11001 et seq.);

(3) training for emergency response planning, information management, and hazardous materials incident response;

(4) equipping a hazardous materials response team that provides at least a district wide emergency planning response if the equipment purchased is consistent with current training levels of the response team members;

(5) purchasing communication equipment for a local emergency planning committee's administrative use;

(6) paying an optional stipend to local emergency planning committee members who attend regularly scheduled meetings at which a quorum is present in an amount:

(A) determined by a majority of the local emergency planning committee membership; and

(B) that is not more than twenty dollars (\$20) per member per meeting; ~~and~~

(7) paying for Title III risk communication, chemical accident related, and accident prevention projects submitted to and

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1 approved by the Indiana emergency response commission; **and**
 2 **(8) maintaining, repairing, and calibrating equipment**
 3 **purchased for a hazardous materials response team under**
 4 **subdivision (4).**

5 However, revenue distributed to a county under this section may be
 6 used for the purpose set forth in subdivisions (3) through ~~(7)~~ **(8)** only
 7 if the local emergency planning committee appointed for the county has
 8 prepared and submitted to the emergency response commission an
 9 emergency plan that meets the requirements of 42 U.S.C. 11003(a) and
 10 has received approval for the training programs from the emergency
 11 response commission.

12 (c) The fund established under subsection (b) shall be administered
 13 by the county executive. The expenses of administering the fund shall
 14 be paid from money in the fund. Money in the fund not currently
 15 needed to meet the obligations of the fund may be invested in the same
 16 manner as other public funds. Interest that accrues from these
 17 investments shall be deposited in the fund. Money in the fund at the
 18 end of the fiscal year remains in the fund and does not revert to any
 19 other fund.

20 (d) Money shall be appropriated by a county fiscal body (as defined
 21 in IC 36-1-2-6) from a fund established under subsection (b) upon the
 22 receipt by the county fiscal body of the local emergency planning
 23 committee's spending plan. The spending plan must:

- 24 (1) have been approved by a majority of the members of the local
 25 emergency planning committee; and
- 26 (2) conform with the provisions of this chapter.

27 The county fiscal body may not appropriate money from the fund
 28 established under subsection (b) for any person or purpose other than
 29 the local emergency planning committee.

30 (e) All equipment, apparatus, and supplies purchased with money
 31 from a fund established under subsection (b) remains under the
 32 direction and control of the local emergency planning committee.

33 SECTION 2. IC 10-14-4-5, AS AMENDED BY P.L.107-2007,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 5. (a) The state disaster relief fund is
 36 established to provide ~~money~~ **financial assistance** to:

- 37 (1) assist eligible entities in paying for:
- 38 (A) the costs of ~~damage to~~ **repairing, replacing, or restoring**
 39 public facilities or individual **residential real or personal**
 40 property ~~resulting from disasters~~; **damaged or destroyed by**
 41 **a disaster; or**
- 42 (B) response costs incurred by an eligible entity during a

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disaster; and

(2) allow the agency to pay for response costs incurred by the state or a local unit of government at the direction of the agency.

The agency may provide financial assistance in response to a disaster only from the balance in the fund that is unobligated on the date the disaster occurs.

(b) The fund consists of the following:

(1) Money appropriated by the general assembly.

(2) Money deposited under IC 22-11-14-12(c)(2).

(c) The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. ~~Interest that accrues from these investments shall be deposited in the fund.~~

~~(c)~~ (d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 10-14-4-6, AS AMENDED BY P.L.107-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to ~~make grants~~ **provide financial assistance as follows:**

(1) To an eligible entity that:

(A) **is not an individual;**

~~(1)~~ (B) contains territory for which a disaster emergency has been declared by the governor;

~~(2)~~ (C) has suffered damage to the entity's public facilities ~~or individual property~~ because of the disaster for which the disaster emergency was declared;

~~(3)~~ (D) has applied to the department for **financial assistance in the form of a grant;** and

~~(4)~~ (E) complies with all other requirements established by the agency.

(2) To an eligible entity:

(A) **who is an individual;**

(B) **whose primary residence is located in territory for which:**

(i) **the governor declares a disaster emergency; or**

(ii) **the United States Small Business Administration declares a disaster;**

(C) **who has suffered damage to the entity's primary**

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1 residence or individual property because of a disaster
 2 described in clause (B); and
 3 (D) who complies with all other requirements established
 4 by the agency.

5 SECTION 4. IC 10-14-4-13, AS ADDED BY P.L.107-2007,
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 13. (a) This section applies only to an eligible
 8 entity that is an individual.

9 (b) To qualify for a grant financial assistance under this chapter,
 10 including a grant, an eligible entity must apply to the agency on forms
 11 provided by the agency. The application must include the following:

12 (1) A description and estimated cost of the damage caused by the
 13 disaster to the individual's property.

14 (2) The manner in which the individual intends to use the grant
 15 money: financial assistance.

16 (3) Any other information required by the agency.

17 SECTION 5. IC 10-15-3-12, AS ADDED BY P.L.107-2007,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 12. (a) The regional public safety training
 20 fund is established for the purpose of providing regional and advanced
 21 training for public safety service providers. The fund shall be
 22 administered by the department.

23 (b) The expenses of administering the fund shall be paid from
 24 money in the fund.

25 (c) The treasurer of state shall invest the money in the fund not
 26 currently needed to meet the obligations of the fund in the same
 27 manner as other public money may be invested. Interest that accrues
 28 from these investments shall be deposited in the fund.

29 (d) Money in the fund at the end of a state fiscal year does not revert
 30 to the state general fund. Any amount remaining in the fund at the end
 31 of a state fiscal year that was not appropriated to the fund has not been
 32 encumbered shall be transferred to the fire training infrastructure fund
 33 established by IC 22-14-6-2.

34 SECTION 6. IC 22-14-3-2, AS AMENDED BY P.L.1-2006,
 35 SECTION 373, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The division shall issue an
 37 amusement and entertainment permit to an applicant who qualifies
 38 under section 3 of this chapter.

39 (b) A permit issued under section 3 of this chapter expires as
 40 follows:

41 (1) For a permit issued to a school under section 1(c) of this
 42 chapter, one (1) year after the date of issuance.

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1 **(2) For a permit other than a permit described in subdivision**

2 **(1), December 31 in the year it the permit is issued.**

3 The permit applies only to the place, maximum occupancy, and use
4 specified in the permit.

5 **SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The department**
6 **of homeland security may adopt emergency rules to implement**
7 **IC 10-14-4, including IC 10-14-4-5, IC 10-14-4-6, and**
8 **IC 10-14-4-13, all as amended by this act, in the manner provided**
9 **for the adoption of emergency rules under IC 4-22-2-37.1.**

10 **(b) An emergency rule adopted under this SECTION expires on**
11 **the earlier of:**

12 **(1) the date that the department of homeland security adopts**
13 **permanent rules under IC 4-22-2 to replace the emergency**
14 **rules; or**

15 **(2) July 1, 2009.**

16 **(c) This SECTION expires July 1, 2009.**

17 **SECTION 8. [EFFECTIVE JULY 1, 2008] (a) IC 22-14-3-2, as**
18 **amended by this act, applies to amusement and entertainment**
19 **permits issued after June 30, 2008.**

20 **(b) This subsection applies to an amusement and entertainment**
21 **permit issued before July 1, 2008. Notwithstanding IC 22-14-3-2,**
22 **as amended by this act, an amusement and entertainment permit**
23 **expires one (1) year after the date of issuance.**

24 **SECTION 9. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 15, strike "Interest that accrues from these investments shall be".

Page 4, strike line 16.

and when so amended that said bill do pass.

(Reference is to SB 241 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 12, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 35, delete "entity that:" and insert "**entity:**".

Page 4, line 36, after "(A)" insert "**who**".

Page 4, between lines 36 and 37, begin a new line double block indented and insert:

"(B) whose primary residence is located in territory for which:

(i) the governor declares a disaster emergency; or

(ii) the United States Small Business Administration declares a disaster;".

Page 4, line 37, delete "(B)" and insert "**(C) who**".

Page 4, line 37, after "entity's" insert "**primary residence or**".

Page 4, line 38, delete "due to a disaster;" and insert "**because of a disaster described in clause (B);**".

Page 4, line 39, delete "(C)" and insert "**(D) who**".

Page 5, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 6. IC 22-14-3-2, AS AMENDED BY P.L.1-2006, SECTION 373, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The division shall issue an amusement and entertainment permit to an applicant who qualifies

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under section 3 of this chapter.

(b) A permit issued under section 3 of this chapter expires **as follows:**

(1) For a permit issued to a school under section 1(c) of this chapter, one (1) year after the date of issuance.

(2) For a permit other than a permit described in subdivision (1), December 31 in the year it the permit is issued.

The permit applies only to the place, maximum occupancy, and use specified in the permit."

Page 5, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2008] **(a) IC 22-14-3-2, as amended by this act, applies to amusement and entertainment permits issued after June 30, 2008.**

(b) This subsection applies to an amusement and entertainment permit issued before July 1, 2008. Notwithstanding IC 22-14-3-2, as amended by this act, an amusement and entertainment permit expires one (1) year after the date of issuance."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 241 as printed January 18, 2008.)

TINCHER, Chair

Committee Vote: yeas 10, nays 0.

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